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09/577,101	05/24/2000	William W. Hanby		5286

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EXAMINER

BLECK, CAROLYN M

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/577,101

Applicant(s)

HANBY ET AL.

Examiner

Carolyn M Bleck

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Notice to Applicant***

1. This communication is response to the application filed 24 May 2000. Claims 1-18 are pending. The IDS statement filed 24 May 2000 has been entered and considered.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because the length exceeds 150 words. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luchs et al. (4,831,526) in view of Tyler et al. (5,523,942).

(A) As per claim 1, Luchs discloses a method of operating a computerized insurance system for preparing and processing insurance applications and premium quotations, and for preparing and writing insurance contracts requested by clients, comprising the steps of:

(a) inputting and storing in an interactive database, into which data is written and from which data is read, client information, risk information, insurance premium information, and predetermined text data for incorporating into insurance contracts, wherein the database stores and the system processes insurance related to different coverages (col. 2 lines 37-46, col. 5 line 60 to col. 6 lines 13, and col. 28 lines 20-51);

(b) entering the client information for processing to provide a premium quotation for the client to agree or disagree whether the premium is acceptable (col. 3 line 17 to col. 4 line 25, col. 5 line 60 to col. 6 lines 13, and col. 28 lines 20-51);

(c) receiving acceptance of the premium quotation from the client in order to write and print the insurance policy (col. 3 line 17 to col. 4 line 25);

(d) operating a terminal, which interactively communicates on-line with a central processor including the database which is accessible by the terminal to enter and retrieve information and data for writing into and reading from the database, wherein the

information entered at the terminal is combined with data stored in the interactive database to generate the premium quote information (reads on "administering an insurance transaction"), wherein the central processor automatically cedes client, policy, and premium information from the database in order to retrieve and update the information (reads on "maintaining and updating"), and wherein the central processor automatically cedes client, policy, and premium information from the database for compilation and printing of insurance contract documents related to an insurance policy or quotation (Fig. 11A-11F, col. 24 lines 36-68, col. 25 lines 1-60, col. 30 lines 35-67, and col. 26 lines 9-35); and

(e) printing tailored contract documents for a client's insurance policy or quotation using a printer (Fig. 1 and col. 28 lines 20-52).

Luchs fails to explicitly disclose using software modules. However, it is noted that the method of Luchs includes a data flow function wherein any data associated with a particular risk or client and previously stored in the database will be retrieved for use as each insurance transaction is processed (col. 6 lines 25-64 and col. 9 lines 40-51). It is also noted that Luch's method includes the functionality to generate premium quote information, to retrieve and update client, policy, and premium information, and to compile and print insurance contract documents as disclosed above in step (d) (Fig. 1 and 11A-11F, col. 5 lines 51-60, col. 24 lines 36-68, col. 25 lines 1-60, col. 30 lines 35-67, and col. 26 lines 9-35).

Tyler discloses a computer-based method for receiving instructions and information relating to a plurality of insurance products, wherein a design grid and

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calculation engine are utilized for receiving, calculating, and displaying information, and wherein the modules or components for implementing the method including the design grid and calculation engine are implemented using objected oriented programming techniques, wherein the modules communicate information with each other using application programming interfaces ("API") (Fig. 1B, col. 6 lines 46-57, col. 7 line 23 to col. 8 line 3, col. 10 line 58 to col. 11 line 50, col. 12 lines 5-9, col. 77 lines 2-36, and col. 78 line 59 to col. 80 line 10).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include the features of Tyler within the method of Luchs with the motivation of allowing modules to be reused, reducing the redundancy of software code, and allowing modules to communicate and share information (Tyler; col. 4 lines 29-56, col. 7 lines 23-64, col. 10 line 58 to col. 11 line 50, and col. 25 lines 48-65), and avoiding numerous duplicate entries of the same information since any data associated with a particular risk or client will be retrieved for use as each transaction is processed (Luchs; col. 9 lines 40-51).

(B) As per claim 2, Luchs discloses a create or update quote/policy function, a rate/ rule inquiry function, and display quotation function (reads on "proposal process") (Fig. 7, col. 5 lines 33-60, col. 6 line 65 to col. 8 line 7, and col. 27 lines 1-30).

(C) As per claims 3 and 4, Luchs discloses automatically ceding (reads on "derived") all client and policy information from the database when updating a quote or policy (col. 24

lines 36-56) and combining the updated information entered at the terminal with data stored in the interactive database to generate the premium quote information (reads on “administering an insurance transaction”) (Fig. 11A-11F, col. 24 lines 36-68, col. 25 lines 1-60, col. 30 lines 35-67, and col. 26 lines 9-35). The remainder of claims 3 and 4 repeat the subject matter of claim 1, and are therefore rejected for the same reasons given above in claim 1, and incorporated herein.

(D) As per claim 5, Luchs discloses the central processor automatically ceding (reads on “derived”) client, policy, and premium information from the database for compilation and printing of insurance contract documents related to an insurance policy or quotation, wherein the information is first input and stored in an interactive database which data is written and from which data is read (Fig. 11A-11F, col. 2 lines 37-46, col. 5 line 60 to col. 6 lines 13, col. 24 lines 36-68, col. 25 lines 1-60, col. 28 lines 20-51, col. 30 lines 35-67, and col. 26 lines 9-35). The remainder of claim 5 repeats the subject matter of claim 1, and is therefore rejected for the same reasons given above in claim 1, and incorporated herein.

(E) As per claims 6-8, Luchs discloses entering information to change an existing policy (reads on “not duplicative” and “administering” and “maintaining and updating”) stored in the database (col. 3 line 17 to col. 4 line 25, col. 5 line 60 to col. 6 lines 13, col. 20 lines 1-46, and col. 28 lines 20-51), and entering information to change (reads on “not duplicative”) an existing policy and then printing the new policy (reads on “generation of

necessary documentation”) (col. 20 lines 1-60). The remainder of claims 6-8 repeat the subject matter of claim 1, and are therefore rejected for the same reasons given above in claim 1, and incorporated herein.

(F) As per claims 9-10, Luchs discloses the central processor including the database for storing and allowing retrieval of information, wherein the information is first input and stored in the database (reads on “initial information”), wherein the information is looked up by the central processor for modifying client premiums to change existing premium rates up or down by a percentage (col. 9 lines 39-51 and col. 11 lines 47-55). The remainder of claims 9-10 repeat the subject matter of claim 1, and are therefore rejected for the same reasons given above in claim 1, and incorporated herein.

In addition, insofar as Applicant recites “at least one of...”, it is irrelevant whether or not Luchs or Tyler disclose every single statement recited in the claims.

(G) As per claim 11, Luchs discloses entering information to update a policy, wherein the information has changed from the information that was initially entered and stored in the database, and wherein the information is used to calculate a modified client premium (col. 9 lines 39-51, col. 11 lines 47-55, col. 15 line 63 to col. 16 line 12, and col. 20 lines 1-60). The remainder of claim 11 repeats the subject matter of claim 1, and is therefore rejected for the same reasons given above in claim 1, and incorporated herein.



(H) Claim 12 appears to be a compilation of the features of claims 6-8 and 11, and is therefore rejected for the same reasons given for claims 6-8 and 11, in combination.

(I) As per claims 13 and 15, Luchs discloses an underwriting notification function provided by an underwriting database (within the central processing database) capable of storing client and risk information on current policies as well as underwritten business, wherein the underwriting database is used to facilitate risk evaluation and underwriter action, and wherein a component of the database includes a loss information directory, which notifies an appropriate underwriter of the occurrence of a loss (reads on "claim"), utilizes a loss database within the central database, and includes a directory for the claims department of a typical insurance company to notify the appropriate underwriter of an unusual loss when it occurs (col. 11 lines 21-28 and lines 60-65). As per the limitation of "analyzing claims" submitted with an insurance transaction, it is noted that Luch's function of notifying an underwriter of the occurrence of a loss using the underwriter database and central processor (col. 11 lines 21-28 and lines 60-65) is considered to be a form of "analyzing claims."

(J) Claims 14 and 16 repeat the same limitations of claim 12, and are therefore rejected for the same reasons given above for claim 12, and incorporated herein.

(K) Apparatus claims 17 and 18 are similar in scope to method claim 1, and are therefore rejected under the same rationale given above for claim 1. The teachings of

Luchs and Tyler relevant to the features of claims 17 and 18 are as discussed in the rejections of claim 1, above, and incorporated herein.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure. The cited but not applied prior art teaches a system including a group of computers for facilitating the implementation and administration of a desired group insurance plan (4,837,693), an integrated information storage processing and reporting system for processing and supervising a plurality of group insurance accounts with a single enterprise-wide relational database (5,191,522), an object-based relational database system and method that transforms data stored in a plurality of remote, heterogeneous user databases into a homogenous data model (5,560,005), an information-exchange system for controlling the exchange of business and clinical information between an insurer and multiple health care providers (5,890,129), a computer implemented system and method for designing and administering self-funded survivor benefit plans using several computer software modules (5,913,198), a system and method for managing and processing insurance claims using an object oriented graphical user interface (5,950,169), an insurance policy illustration system for computing and graphically displaying the future values of a model life insurance policy (5,956,691), an attachment integrated claim system and method permitting the transmission of a customizable claim form and integrated attachment to an insurance carrier (6,003,007 and 6,076,066), a modular health care information management

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system utilizing reusable software objects (6,314,556), and a claims processing system for electronically reviewing and adjudicating medical insurance claims (6,343,271).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn Bleck whose telephone number is (703) 305-3981. The Examiner can normally be reached on Monday-Thursday, 8:00am – 5:30pm, and from 8:30am – 5:00pm on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached at (703) 305-9588.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 306-1113.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

(703) 305-7687	[Official communications; including After Final communications labeled "Box AF"]
(703) 746-8374	[Informal/ Draft communications, labeled "PROPOSED" or "DRAFT"]


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Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,  
Arlington, VA, 7th Floor (Receptionist).



CB

October 31, 2002

  
**JOSEPH THOMAS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**